

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JAMES E. ELLIS, GERALD BOOHER,)	
MARK TILLER, RICHARD STASZAK,)	
ANI WEAVER, JACK O'BRIEN, and)	
JOSHUA DENT, on behalf of themselves)	CIVIL ACTION NO. 3:06-66
and all others similarly situated,)	(Consolidated with Civil Action Nos.
Plaintiffs,)	2:06-1028, 3:07-19, & 3:07-89)
v.)	
)	JUDGE KIM R. GIBSON
EDWARD D. JONES & CO., LLP and)	
DOES 1 through 10, inclusive,)	
Defendants.)	

ORDER

AND NOW, this 27th day of August, 2007, upon consideration of Plaintiffs' unanimous, unopposed agreement regarding a leadership structure for Plaintiffs' counsel in this case (Document No. 65), **IT IS HEREBY ORDERED** that Plaintiffs and their counsel shall create a Lead Counsel Committee (hereinafter "LCC") comprised of the following firms: Carlson Lynch Ltd.; Schifffrin Barroway Topaz & Kessler, LLP; Steven D. Bell Co., LPA; and Scott Cole & Associates, APC. Gary F. Lynch and Carlson Lynch Ltd. shall serve as Chair of the LCC. All Members of the LCC shall be kept fully apprised of the status of the case(s) in a timely fashion. The LCC shall make all decisions regarding the prosecution of the litigation, both procedurally and substantively, including, without limitation, the drafting and filing of all court documents. To the maximum possible extent, the LCC shall attempt to make decisions and carry out its duties based upon consensus of its members. Each member of the LCC shall enjoy the right to fully express his view concerning the prosecution of the litigation. In the event consensus cannot in good faith be reached by the LCC, the Chair of the LCC shall have the right to make decisions on behalf of the LCC, with the sole exception being that the Chair of the LCC shall not have the right to make any decision regarding the settlement amount allocated to

any class members' claim, to the extent such decision would reduce any class members' claim below the amount to which they would otherwise be entitled if the total settlement funds were evenly distributed among the class members. All members of the LCC shall be listed on all documents submitted to the Court or to the press. The LCC designates the Chair to act as its spokesperson with the sole responsibility for communicating the decisions and/or positions of the LCC to counsel for defendant, and for receiving and distributing to the members of the LCC all communications from counsel for defendant.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

**KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE**

Cc: All counsel of record